

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1013 be amended to read as follows:

- 1 Page 6, after line 9 , begin a new paragraph and insert:
- 2 "SECTION 3. IC 11-13-3-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person
- 4 sentenced under IC 35-50 shall be released on parole or discharged
- 5 from the person's term of imprisonment under IC 35-50 without a
- 6 parole release hearing.
- 7 (b) A person sentenced for an offense under laws other than
- 8 IC 35-50 who is eligible for release on parole, or a person whose parole
- 9 is revoked and is eligible for reinstatement on parole under rules
- 10 adopted by the parole board shall, before the date of the person's parole
- 11 eligibility, be granted a parole release hearing to determine whether
- 12 parole will be granted or denied. The hearing shall be conducted by one
- 13 (1) or more of the parole board members. If one (1) or more of the
- 14 members conduct the hearing on behalf of the parole board, the final
- 15 decision shall be rendered by the full parole board based upon the
- 16 record of the proceeding and the hearing conductor's findings. Before
- 17 the hearing, the parole board shall order an investigation to include the
- 18 collection and consideration of:
- 19 (1) reports regarding the person's medical, psychological,
- 20 educational, vocational, employment, economic, and social
- 21 condition and history;
- 22 (2) official reports of the person's history of criminality;
- 23 (3) reports of earlier parole or probation experiences;
- 24 (4) reports concerning the person's present commitment that are
- 25 relevant to the parole release determination;
- 26 (5) any relevant information submitted by or on behalf of the
- 27 person being considered; and

(6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; ~~or~~
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release ~~program~~ **program; or**

(7) to be released from departmental custody under a community transition program authorized by IC 11-10-11.5

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is

1 retained by the department, the court shall review the information that
2 is the subject of the motion in camera before ruling on the motion.

3 (g) The notice required under subsection (c) must specify whether
4 the prisoner is being discharged, is being released on parole, is having
5 a parole release hearing, is having a parole violation hearing, or has
6 escaped. The notice must contain the following information:

- 7 (1) The name of the prisoner.
- 8 (2) The date of the offense.
- 9 (3) The date of the conviction.
- 10 (4) The felony of which the prisoner was convicted.
- 11 (5) The sentence imposed.
- 12 (6) The amount of time served.
- 13 (7) The date and location of the interview (if applicable).

14 (h) The parole board shall adopt rules under IC 4-22-2 and make
15 available to offenders the criteria considered in making parole release
16 determinations. The criteria must include the:

- 17 (1) nature and circumstances of the crime for which the offender
18 is committed;
- 19 (2) offender's prior criminal record;
- 20 (3) offender's conduct and attitude during the commitment; and
- 21 (4) offender's parole plan.

22 (i) The hearing prescribed by this section may be conducted in an
23 informal manner without regard to rules of evidence. In connection
24 with the hearing, however:

- 25 (1) reasonable, advance written notice, including the date, time,
26 and place of the hearing shall be provided to the person being
27 considered;
- 28 (2) the person being considered shall be given access, in accord
29 with IC 11-8-5, to records and reports considered by the parole
30 board in making its parole release decision;
- 31 (3) the person being considered may appear, speak in the
32 person's own behalf, and present documentary evidence;
- 33 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
34 excluded; and
- 35 (5) a record of the proceeding, to include the results of the parole
36 board's investigation, notice of the hearing, and evidence
37 adduced at the hearing, shall be made and preserved.

38 (j) If parole is denied, the parole board shall give the person
39 written notice of the denial and the reasons for the denial. The parole
40 board may not parole a person if it determines that there is substantial
41 reason to believe that the person:

- 42 (1) will engage in further specified criminal activity; or
- 43 (2) will not conform to appropriate specified conditions of
44 parole.

45 (k) If parole is denied, the parole board shall conduct another
46 parole release hearing not earlier than five (5) years after the date of the
47 hearing at which parole was denied. However, the board may conduct
48 a hearing earlier than five (5) years after denial of parole if the board:

- 49 (1) finds that special circumstances exist for the holding of a
50 hearing; and

1 (2) gives reasonable notice to the person being considered for
2 parole.

3 (1) The parole board may parole a person who is outside Indiana
4 on a record made by the appropriate authorities of the jurisdiction in
5 which that person is imprisoned.

6 (m) If the board is considering the release on parole of an offender
7 who is serving a sentence of life in prison, a determinate term of
8 imprisonment of at least ten (10) years, or an indeterminate term of
9 imprisonment with a minimum term of at least ten (10) years, in
10 addition to the investigation required under subsection (b) the board
11 shall order and consider a community investigation, which must
12 include an investigation and report that substantially reflects the
13 attitudes and opinions of:

14 (1) the community in which the crime committed by the offender
15 occurred;

16 (2) law enforcement officers who have jurisdiction in the
17 community in which the crime occurred;

18 (3) the victim of the crime committed by the offender, or if the
19 victim is deceased or incompetent for any reason, the victim's
20 relatives or friends; and

21 (4) friends or relatives of the offender.

22 (n) As used in this section, "victim" means a person who has
23 suffered direct harm as a result of a violent crime (as defined in
24 IC 5-2-6.1-8)."

(Reference is to HB 1013 as printed January 25, 2000.)

Representative BECKER